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Air Pollution Regulations in State Implementation Plans: California, Yolo-Solano County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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Aug 78

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Yolo-Solano County

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Air Pollution Regulations in State Implementation Plans:

California

Yolo-Solano County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

10

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Publication No. EPA-450/3-78-054-46

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

YOLO-SOLANO COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	Amended Set of Regulations Approved Unless Noted Otherwise
7/19/74	7/26/77	Rule 2.22

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES
  - 50.1.1 PROCESS WEIGHT
  - 50.1.2 VISIBLE EMISSIONS
  - 50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 HYDROCARBONS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

YOLO-SOLANO COUNTY REGULATIONS

Revised Standard Subject Index	Reg-Rule Number	Title	Page
--	Reg I	General Provisions	1
(2.0)	Rule 1.1	Title	1
(1.0)	1.2	Definitions	1
(14.0)	1.3	Confidential Information	4
(15.0)	1.4	Enforcement	4
(2.0)	1.5	Validity	4
(2.0)	1.6	Effective Date	5
(15.0)	1.7	Arrest, Notice to Appear	5
--	Reg II	Prohibitions, Exceptions-Requirements	6
(2.0)	Rule 2.1	Control of Emissions	6
(3.0)	2.2	Alteration of Permit	6
(50.1.2)	2.3	Ringelmann Chart	6
(2.0)	2.4	Exceptions	6
(50.7)	2.5	Nuisance	7
(2.0)	2.6	Additional Exception	7
(50.1.2)	2.7	Wet Plumes	7
(51.13)	2.8	Open Burning	7
(51.13)	2.9	Open Burning, Certain Materials	8
(51.9)	2.10	Incinerator Burning	8

Revised Standard Subject Index	Reg-Rule Number	Title	Page
(50.1)	2.11	Particulate Matter	8
(50.0)	2.12	Specific Contaminants	8
(50.4)	2.13	Organic Solvents	9
(50.4)	2.14	Architectural Coatings	11
(50.4)	2.15	Disposal and Evaporation of Solvents	12
(51.5)(51.6)(51.7)	2.16	Fuel Burning Equipment	12
(2.0)	2.17	Circumvention	12
(2.0)	2.18	Payment of Order Charging Costs	13
(50.1.1)(50.6)	2.19	Dust and Condensed Fumes	13
(51.1)	2.20	Orchard Heaters	15
(51.16)	2.21	Gasoline Storage Tanks	15
(51.16)	2.22	Gasoline Transfer to Vehicular Tanks	15
--	Reg III	Permit System	17
(3.0)	Rule 3.1	Authorizations and Permit Required	17
(2.0)	3.2	Exemptions	17
(3.0)	3.3	Applications	19
(3.0)	3.4	Standards for Granting Applications	19
(2.0)	3.5	Conditional Approval	20
(3.0)	3.6	Denial of Applications	20
(2.0)	3.7	Information	20
(3.0)	3.8	Applications Deemed Denied	21

Revised Standard Subject Index	Reg-Rule Number	Title	Page
(2.0)	3.9	Appeals	21
(2.0)	3.10	Term of Authorization to Construct	21
(3.0)	3.11	Posting of Permit	21
(2.0)	3.12	Transfer	22
--	Reg IV	Agricultural Burning	23
(2.0)	Rule 4.1	Prohibitions	23
(3.0) (51.13)	4.2	Permit to Burn	24
(3.0)	4.3	Applications	24
(2.0)	4.4	Forms	24
(3.0)	4.5	Standards for Granting Applications	24
(51.13)	4.6	Restricted Burning Days	25
(3.0)	4.7	Permit Form	25
(51.13)	4.8	Fire Prevention	25
--	Reg V	Fees	
(2.0)	Rule 5.1	Authorization to Construct Fees	26
(3.0)	5.2	Permit Fee Schedules	26
(16.0)	5.3	Hearing Board Fees	29
(9.0)	5.4	Analysis Fees	29
(13.0)	5.5	Technical Report Charges	29
--	Reg VI	Procedure Before the Hearing Board	30
(2.0)	Rule 6.1	Applicable Articles of the Health and Safety Code	30

Revised Standard Subject Index	Reg-Rule Number	Title	Page
(2.0)	6.2	General	30
(2.0)	6.3	Filing Petitions	30
(2.0)	6.4	Contents of Petition	30
(5.0)	6.5	Petition for Variances	31
(2.0)	6.6	Appeal from Denial	32
(2.0)	6.7	Failure to Comply with Rules	32
(2.0)	6.8	Answers	32
(2.0)	6.9	Dismissal of Petition	32
(16.0)	6.10	Place of Hearing	32
(16.0)	6.11	Notice of Hearing	33
(2.0)	6.12	Evidence	33
(2.0)	6.13	Preliminary Matters	33
(2.0)	6.14	Official Notice	33
(2.0)	6.15	Continuances	34
(2.0)	6.16	Decisions	34
(2.0)	6.17	Effective Date of Decision	34
(3.0)	6.18	Lack of Permit	34

REGULATION I

GENERAL PROVISIONS

(2.0) RULE 1.1 TITLE

These rules and regulations shall be known as the Rules and Regulations of the Yolo-Solano Air Pollution Control District.

(1.0) RULE 1.2 DEFINITIONS

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the words are used in Chapter 2, Division 20 and Chapter 10, Part 1, Division 26 of the Health and Safety Code.

A. Agricultural Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations, in the growing of crops or raising of fowls, animals, or bees, forest management or range improvement.

B. Agricultural Wastes. "Agricultural Wastes" are defined as unwanted or unsalable materials produced wholly from agricultural operations, other than forest or range management operations, directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood.

C. Air Contaminant. "Air Contaminant" include smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter or any combination thereof.

D. Atmosphere. "Atmosphere" means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designated specifically as a piece of air pollution control equipment, such emission into the building shall be considered as emission into the atmosphere.

E. Board. "Board" means the Air Pollution Control Board of the Yolo-Solano Air Pollution Control District.

F. Burn Day. A "Burn Day" means any day on which the California Air Resources Board does not prohit burning of agricultural wastes.

G. Clerk of the Hearing Board. "Clerk of the Hearing Board" means the County Clerk of the County of Yolo, who is ex officio Clerk of the Hearing Board.

H. Combustible Refuse. "Combustible Refuse" is any solids or liquid combustible waste material containing carbon in a free or combined state.

I. Combustion Contaminants. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

J. Condensed Fumes. "Condensed Fumes" are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimination, distillation, calcination, or chemical reaction when these processes create air-borne particles.

K. Control Officer. "Control Officer" means the Air Pollution Control Officer of the Yolo-Solano Air Pollution Control District.

L. Designated Agency. "Designated Agency" means the public fire protection or other equivalent agency designated by the California Air Resources Board to issue permits for burning of agricultural wastes.

M. District. "District" is the Yolo-Solano Air Pollution Control District.

N. Dusts. "Dusts" are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

O. Hearing Board. "Hearing Board" means the Hearing Board of the Yolo-Solano Air Pollution Control District.

P. Implement of Husbandry. "Implement of Husbandry" means a vehicle which is used exclusively in the conduct of agricultural operations.

Q. Multiple-Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

The refractories shall have a Pyrometric Cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

R. No-Burn Day. A "No-Burn Day" means any day on which the California Air Resources Board prohibits burning of agricultural wastes.

S. Open Outdoor Fire. "Open Outdoor Fire" as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through a flue.

T. Orchard or Citrus Grove Heater. "Orchard or Citrus Grove Heater" means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

U. Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

V. Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

W. Process Weight Per Hour. "Process Weight is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

X. Regulation. "Regulation" means one of the major subdivisions of the Rules of the Yolo-Solano Air Pollution Control District.

Y. Rule. "Rule" means a rule of the Yolo-Solano Air Pollution Control District.

Z. Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

A.A. Solano County Zone. "Solano County Zone" means that portion of the district lying within the boundaries of Solano County.

A.B. Standard Conditions. "Standard Conditions" as used in these regulations, is a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

A.C. Yolo County Zone. "Yolo County Zone" means that portion of the district lying within the boundaries of Yolo County.

(14.0) Rule 1.3 CONFIDENTIAL INFORMATION

a. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine, equipment, or other contrivance will produce, which any air pollution control district required any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

b. All air monitoring data, including data compiled from stationary sources, are public records.

c. Trade secrets are not public records under this rule. "Trade secrets", as used in this rule, may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(15.0) Rule 1.4 ENFORCEMENT

These rules and regulations shall be enforced by the Air Pollution Control Officer under authority of Health & Safety Code Sections 24224, 24260, 24262, and all officers empowered by Section 24221.

(2.0) Rule 1.5 VALIDITY

If any regulation, rule, subdivision, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses or phrases be declared unconstitutional or invalid.

(2.0) Rule 1.6 EFFECTIVE DATE

These Rules and Regulations shall take effect on October 1, 1971.

(15.0) Rule 1.7 ARREST, NOTICE TO APPEAR

a. The Air Pollution Control Officer is hereby authorized pursuant to Penal Code Section 836.5 to arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of these Rules and Regulations.

b. In any case in which a person is arrested pursuant to subdivision a. of this rule and the person arrested does not demand to be taken before a magistrate, the Air Pollution Control Officer making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C, Title 3, Part 2 of the Penal Code (commencing with Section 853.6). The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

REGULATION II

PROHIBITIONS, EXCEPTIONS - REQUIREMENTS

(2.0) RULE 2.1 CONTROL OF EMISSIONS

The emission of material which may be the cause of air pollution shall be controlled by the contents of this regulation.

(3.0) RULE 2.2 ALTERATION OF PERMIT

No person shall willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.

(50.1.2) RULE 2.3 RINGELMANN CHART

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:

a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(2.0) RULE 2.4 EXCEPTIONS

The provisions of Rule 2.3 do not apply to:

a. Smoke from fires set by or permitted by any public officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary.

1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means; or

2. The instruction of public employees in the methods of fighting fire.

c. Agricultural operations in the growing of crops or raising of fowl, animals or bees.

d. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

(50.7) RULE 2.5 NUISANCE

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

(2.0) RULE 2.6 ADDITIONAL EXCEPTION

The provisions of Rule 2.5 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl, animals, or bees.

(50.1.2) RULE 2.7 WET PLUMES

When the presence of uncombined water is the only reason for the failure or an emission to meet the limitation of Rule 2.3, that rule shall not apply. The burden of proof which establishes the application of the rule shall be upon the person seeking to come within it provisions.

(51.13) RULE 2.8 OPEN BURNING

No person shall set or permit an open outdoor fire within the boundaries of the Yolo-Solano Air Pollution Control District except on burn days.

a. For a fire set or for which permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary.

   1. For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means; or

   2. For the instruction of public or industrial employees in methods of fire fighting; or

   3. Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the method of fighting fires; or

   4. To set or cause to set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

b. To abate fires pursuant to Chapter 2 (commencing with Section 13025 of Part 1 of Division 12 of the California Health and Safety Code.

c. For right-of-way clearing by a public entity or utility or for levee or ditch maintenance.

d. For agricultural burning permitted by law.

e. For the operation of a solid waste dump by a city or county in the Yolo County Zone in the manner provided by law.

f. For the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises before July 1, 1972, not served by garbage or refuse pick-up service.

g. For open burning of waste other than agricultural wastes on any parcel of land constituting an ownership of 20 acres or more not served by garbage or refuse pick-up service; however, no such burning shall be permitted within one mile of a city, and all waste to be burned must originate on the site.

(51.13) RULE 2.9 OPEN BURNING, CERTAIN MATERIALS

Notwithstanding any other provision of these Rules and Regulations, no person shall burn any tires, rubber products, car bodies or parts, demolition materials, or insecticide material containers in any open outdoor fire.

(51.9) RULE 2.10 INCINERATOR BURNING

No person shall burn any combustible refuse except that which may be burned in an open outdoor fire, in any incinerator with the boundaries of the Yolo-Solano Air Pollution Control District except in a multiple-chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(50.1) RULE 2.11 PARTICULATE MATTER

Except as otherwise permitted by law, no person shall release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes, or particulate matter emissions in excess of 0.2 grains per cubic foot of gas at standard conditions.

(50.0) RULE 2.12 SPECIFIC CONTAMINANTS

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the following contaminants, in any state or combination thereof, in excess of the following concentrations at the point of discharge:

a. Sulphur compounds calculated as sulphur dioxide (SO_2) 0.2 percent, by volume at standard conditions.

b. Combustion contaminants: 0.3 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions, except during the start of an operation or change in energy source, during the time necessary to bring the combustion process up to operating level. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.4) RULE 2.13 ORGANIC SOLVENTS

a. A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 15 pounds in any one day.

b. A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in Section (a) for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in Section (k), or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one day.

c. Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in sections (a) or (b) involving any photochemically reactive solvent, as defined in Section (k), or material containing such solvent, shall be subject to compliance with Section (b). Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operation described in Section (a), said portions shall be collectively subject to compliance with Section (a).

d. Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvents, as defined in Section (k), of any article, machine, equipment or other contrivance described in Sections (a), (b) or (c) shall be included with the

other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

e. Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in Sections (a), (b) or (c) shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

f. Emissions of organic materials into the atmosphere required to be controlled by Sections (a), (b) or (c), shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Adsorption, or

3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

g. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

h. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

i. The provisions of this Rule shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The use of equipment which is exempt from air pollution control requirements by said Rules.

3. The spraying or other employment of insecticides, pesticides or herbicides.

4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

j. For the purposes of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

k. For the purposes of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent ot its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

For the purposes of this Rule organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(50.4) RULE 2.14 ARCHITECTURAL COATINGS

a. A person shall not sell or offer for sale for use in District in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 2.13.k.

b. A person shall not employ, apply, evaporate or dry in District any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent; as defined in Rule 2.13.k.

c. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 2.13.k.

d. For the purposes of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(50.4) RULE 2.15 DISPOSAL AND EVAPORATION OF SOLVENTS

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 2.13.k, or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(51.5) RULE 2.16 FUEL BURNING EQUIPMENT
(51.6)
(51.7) A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

a. 200 pounds per hour of sulphur compounds, calculated as sulphur dioxide (SO_2);

b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

c. 10 pounds per hour of combustion contaminants derived from the fuel.

For the purpose of this Rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(2.0) RULE 2.17 CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction

in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This section shall not apply to cases in which the only violation involved is of 24243 of the Health and Safety Code of the state of California.

(2.0) RULE 2.18 PAYMENT OF ORDER CHARGING COSTS

No person shall fail or refuse to pay an order charging costs within sixty (60) days after service upon him of such order.

(50.1.1) (50.6) RULE 2.19 DUST AND CONDENSED FUMES

No person shall discharge in any one hour from any source whatsoever except for motor vehicles and implements of husbandry, dust or condensed fumes of a weight in excess of the amount shown for the corresponding process weight per hour in the following table:

To use the following table, take the process weight per hour as such is defined in Rule 1.2(w). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1,400 lbs. by 3 giving a process weight per hour of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

*SEE "PROCESS WEIGHT" DEFINITION UNDER RULE 1.2(w)

(SEE TABLE ON THE FOLLOWING PAGE)

TABLE

*Process Wt/hr(lbs)	Maximum Weight Disch/hr(lbs)
50	.24
100	.46
150	.66
200	.85
250	1.03
300	1.20
350	1.35
400	1.50
450	1.63
500	1.77
550	1.89
600	2.01
650	2.12
700	2.24
750	2.34
800	2.43
850	2.53
900	2.62
950	2.72
1000	2.80
1100	2.97
1200	3.12
1300	3.26
1400	3.40
1500	3.54
1600	3.66
1700	3.79
1800	3.91
1900	4.03
2000	4.14
2100	4.24
2200	4.34
2300	4.44
2400	4.55
2500	4.64
2600	4.74
2700	4.84
2800	4.92
2900	5.02
3000	5.10
3100	5.13
3200	5.27
3300	5.36
3400	5.44
3500	5.52
3600	5.61
3700	5.69
3800	5.77
3900	5.85
4000	5.93
4100	6.01
4200	6.08
4300	6.15
4400	6.22
4500	6.30
4600	6.37
4700	6.45
4800	6.52
4900	6.60
5000	6.67
5500	7.03
6000	7.37
6500	7.71
7000	8.05
7500	8.39
8000	8.71
8500	9.03
9000	9.36
9500	9.67
10000	10.0
11000	10.63
12000	11.28
13000	11.89
14000	12.50
15000	13.13
16000	13.74
17000	14.36
18000	14.97
19000	15.58
20000	16.19
30000	22.22
40000	20.3
50000	34.3
60000 or more	40.0

(51.1) RULE 2.20 ORCHARD HEATERS

No new orchard or citrus heater produced or manufactured shall be sold for use in this District against frost damage unless it has been approved by the State Air Resources Board in accordance with Section 39298.7 of the Health & Safety Code. No person shall use any orchard or citrus heater after May 1st, 1974 unless it has been approved by the State Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(51.16) RULE 2.21 GASOLINE STORAGE TANKS

a. No person shall load or permit the loading of gasoline into any stationary tank installed after December 31st, 1970 with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank complies with the provisions of subdivision (a) of Section 39068.2 of the Health & Safety Code.

b. No person shall install any gasoline tank with a capacity of 250 gallons or more which does not meet the requirements of subdivision (a) of Section 39068.2 of the Health & Safety Code.

c. For the purpose of this Rule, "gasoline" means gasoline as defined in subdivision (d) of Section 39068.2 of the Health & Safety Code.

d. For the purpose of this Rule, "submerged fill pipe" means submerged fill pipe as defined in subdivision (e) of Section 39068.2 of the Health & Safety Code.

e. This rule shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 36000) of the Vehicle Code.

(51.16) RULE 2.22 GASOLINE TRANSFER TO VEHICULAR TANKS

a. Gasoline means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater and for purposes of this rule used by a vehicle and contained in the vehicle tank.

b. A person shall not transfer gasoline to a vehicle fuel tank from a gasoline dispersing system unless the transfer is made through a fill nozzle designed to

1. Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

2. Direct vapor displaced from the vehicle fuel tank to a system wherein at least 90% by weight of the vapor is recovered.

3. Prevent vehicle fuel tank overfills or spillage on fill nozzle disconnect.

c. The provisions of 2.22(b) shall not apply to any vehicle for which controls have been determined to be impractical because of fill neck configuration. However, the most effective procedures and methods available to reduce vapor emissions must be used.

d. The provisions of 2.22(b) shall not apply to the use of containers of under 2000 gallons installed prior to the effective date of this rule or to stationary containers which are used exclusively for the fueling of implements of husbandry.

e. Compliance to the provisions of this rule shall be according to the following schedule:

1. By July 1, 1975 an application for Authority to Construct will be submitted to the Air Pollution Control District and appropriate contracts for installation negotiated.

2. By July 1, 1976 installation of equipment will be complete and application for a Permit to Operate submitted to the District.

REGULATION III

PERMIT SYSTEM

(3.0) RULE 3.1 AUTHORIZATIONS AND PERMITS REQUIRED

a. Construction. No person shall build, erect, alter, or replace any facilities, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, without first obtaining an authorization to construct from the Air Pollution Control Officer.

b. Authorization to Construct. No person shall issue any building permit for a building or structure erecting, altering, or replacing any facilities, article, machine, equipment, or other contrivance the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants unless the Air Pollution Control Officer shall have first issued an authorization to construct for such work.

c. Operation, Sale or Rental. No person shall operate, sell, or rent any facilities, article, machine, equipment, or other contrivance, for which an authorization to construct is required by these Rules and Regulations without first obtaining a permit from the Air Pollution Control Officer.

d. Existing Installations. No person shall operate, sell, or rent any facilities, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, without obtaining a permit from the Air Pollution Control Officer, after one year following the effective date of these Rules and Regulations or after such later time as may be fixed for good cause shown by the Hearing Board.

e. No person named as a transferee in a permit to sell or rent shall be required to obtain a permit to operate the facilities, article, machine, equipment or other contrivance for which the permit to sell or rent is issued in accordance with the terms and conditions thereof.

(2.0) RULE 3.2 EXEMPTIONS

An authorization to construct, or a permit to operate, sell or rent, shall not be required for:

a. Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

b. Vehicles used to transport passengers or freight.

c. Any structure designed for and used exclusively as a dwelling for not more than four families.

d. Equipment, including incinerators, used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four (4) families.

e. The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics or wood.

7. Brazing, soldering or welding equipment.

8. Barbecue equipment which is not used for commercial purposes.

f. Equipment used in eating establishments for the purpose of preparing food for human consumption.

g. Space heaters.

h. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fixed exclusively with one of the following:

1. Natural gas

2. Liquified petroleum gas

3. A combination of natural gas and liquified petroleum gas.

i. Self propelled mobile construction equipment other than pavement burners.

j. Other sources of minor significance specified by the Air Pollution Control Officer.

k. Agricultural implements used in agricultural operations.

l. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. Maintenance as used herein does not include operation.

(3.0) Rule 3.3 APPLICATIONS

Requests for an authorization to construct or a permit to operate, sell, or rent shall be initiated by filing an application with the Air Pollution Control Officer or his designee together with the filing fee required by these Rules and Regulations. The application shall contain all information necessary to enable the Air Pollution Control Officer to approve, approve subject to conditions, or deny the application.

(3.0) Rule 3.4 STANDARDS FOR GRANTING APPLICATIONS

a. The Air Pollution Control Officer shall deny authorization to construct, or permit to operate or permit to sell or rent, except as provided in Rule 3.5, if the applicant does not show that every facility, article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designated, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

b. Before authorization to construct or a permit to operate or a permit to sell or rent where no permit to operate is in force, is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the facilities, article, machine, equipment or other contrivance described in the authorization to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes, the size and location of the sampling platform, the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

c. In acting upon a permit to operate, or a permit to sell or rent where no permit to operate is in force, if the Air Pollution Control Officer finds that the facilities, article, machine, equipment, or other contrivance has been constructed not in accordance with the authorization to construct, he shall deny the permit. The Air Pollution Control

Officer shall not accept any further application for permit to operate, sell or rent the facilities, article, machine, equipment or other contrivance so constructed until he finds that the facilities, article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization fo Construct.

(2.0) RULE 3.5 CONDITIONAL APPROVAL

a. The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any facilities, article, machine, equipment or other contrivance within the standards of RULE 3.4, in which case the conditions shall be specified in writing. Commencing work under such an authorization to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the facility, article, machine, equipment or other contrivance can operate within the standards of RULE 3.4 under the revised conditions.

b. The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any facilities, article, machine, equipment or other contrivance within the standards of RULE 3.4, in which case the conditions shall be specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the facilities, article, machine, equipment or other contrivance can operate within the standards of RULE 3.4 under the revised conditions.

(3.0) RULE 3.6 DENIAL OF APPLICATIONS

In the event of denial of authorization to construct, permit to operate, or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authorization to construct, the permit to operate or the permit to sell or rent.

(2.0) RULE 3.7 INFORMATION

The Air Pollution Control Officer may at any time require from an applicant for, holder of, or one required to hold, an authorization

to construct or permit to operate, sell, or rent or from a person who will be required to hold a permit in the future by Rule 3.1.c, such information, analysis, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.

(3.0) RULE 3.8 APPLICATIONS DEEMED DENIED

The applicant may, at his option, deem the authorization to construct, permit to operate, or permit to sell or rent denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) RULE 3.9 APPEALS

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(2.0) RULE 3.10 TERM OF AUTHORIZATION TO CONSTRUCT

An authorization to construct shall remain in effect only until an application for a permit to operate, sell or rent the facilities, article, machine, equipment or other contrivance in question is granted or denied; however, such an authorization shall not remain in effect beyond two years from the date of issuance unless the Air Pollution Control Officer finds that the time required for construction requires an extension and grants one or more extensions to a time within five years of the date of issuance.

(3.0) RULE 3.11 POSTING OF PERMIT

A person who has been granted under these Rules and Regulations a permit to operate, sell, or rent any facilities, article, machine, equipment, or other contrivance, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the facility, article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the facility, article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the facility, article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

(2.0) RULE 3.12 TRANSFER

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.

REGULATION IV

AGRICULTURAL BURNING

(2.0) RULE 4.1 PROHIBITIONS

a. No-Burn Days. Except as otherwise authorized by permit under this Regulation, no person shall knowingly set or permit an open outdoor fire to burn agricultural wastes on "no-burn" days.

b. Other Wastes. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not free of other wastes such as tires, rubbish, tar paper, or construction debris.

c. Minimum of Smoke. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not arranged so that it will burn with a minimum of smoke.

d. Dirt, Soil, and Visible Surface Moisture. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not reasonably free of dirt, soil, and visible surface moisture.

e. Minimum Drying Period. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that have not been dried for the minimum pericds between cutting and burning set forth in the following table:

1. A minimum of three (3) days for rice straw and stubble.

2. A minimum of thirty (30) days for trees, stumps, and large branches greater than six (6) inches in diameter.

3. Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

4. The Air Pollution Control Officer may by order authorize burning of agricultural waste in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

f. Total Daily Burning. No more than 2500 acres of stubble or 7500 tons of other agricultural wastes shall be burned within the District on any one day.

g. Burning Hours. No person shall knowingly ignite or permit to be ignited an open outdoor fire to burn agricultural wastes before the

opening hour or after the closing hour on any day. The opening hour is 9:00 A.M. and the closing hour is 3:00 P.M., unless the Air Pollution Control Officer finds that fire protection considerations so require and makes an order designating other opening and closing hours as to the territory designated therein.

h. Tires. No person shall use or permit to be used tires for the ignition of fires to burn agricultural wastes.

i. Burning near Cities. Except as otherwise authorized by permit under this regulation, no person shall knowingly set or permit an outdoor open fire to burn agricultural wastes within three miles of the exterior boundaries of a city if the wind direction is toward the city.

(3.0) (51.13) RULE 4.2 PERMIT TO BURN

No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes unless he has a valid permit to burn from a designated agency.

(3.0) RULE 4.3 APPLICATIONS

Requests for a permit to burn shall be initiated by filing an application with the designated agency and shall provide information required by the designated agency for fire protection purposes and shall provide the information required to determine whether the proposed fire will not be in violation of the provisions of Sections 39298 and 39298.1 of the Health and Safety Code, these Rules and Regulations and, if the application is for authorization to burn on no-burn days, an estimate of the amount of wastes proposed to be burned and the reason why denial of the permit would have threatened imminent and substantial loss.

(2.0) RULE 4.4 FORMS

The Air Pollution Control Officer and the designated agencies shall jointly prepare forms of applications and permits to burn in accordance with the Rules and Regulations.

(3.0) RULE 4.5 STANDARDS FOR GRANTING APPLICATIONS

The designated agency shall grant the permit to burn if the applicant shows that the proposed fire will not violate these Rules and Regulations or Sections 39298 and 39298.1 of the Health and Safety Code, however, if the application is for authorization to burn on no-burn days, or to burn within three miles of the exterior boundaries of a city when the wind direction is toward that city, the designated agency shall refer the application to the Air Pollution Control Officer, who shall grant the application if he finds that denial of the permit would threaten imminent and substantial economic loss.

(51.13) Rule 4.6 RESTRICTED BURNING DAYS

If the Air Pollution Control Officer determines that it is likely more than 2500 acres of stubble or 7500 tons of other agricultural wastes will be burned within the District on any one day, he shall order the day designated as a Restricted Burning Day and designate the maximum number of acres of stubble or tons of other agricultural wastes that may be burned within the boundaries of each designated agency. The maximum numbers shall be based on a proration of the maximum acreage or tonnage to be burned to the acreage or tonnage to be burned within the boundaries of each designated agency. On a Restricted Burning Day no designated agency shall issue permits to burn in excess of the maximum acreage or tonnage designated for it by the Air Pollution Control Officer.

(3.0) RULE 4.7 PERMIT FORM

Permits to burn shall contain the following:

a. Name and address of the permittee

b. Location of the proposed burning

c. Acreage or estimated tonnage of waste to be burned

d. The kind of agricultural waste to be burned

e. The statement "THIS PERMIT IS VALID ONLY ON THOSE DAYS WHICH ARE NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD"

f. Such other information as may be required by the agency issuing the permit

g. Permits shall specify the opening and closing hours for ignition of fires.

(51.13) RULE 4.8 FIRE PREVENTION

Nothing in these rules is intended to permit open burning of agricultural wastes on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

REGULATION V

FEES

(2.0) RULE 5.1 AUTHORIZATION TO CONSTRUCT FEES

The fee for filing an application to construct is Twenty-five and No/100 ($25.00) Dollars.

(3.0) RULE 5.2 PERMIT FEE SCHEDULES

It is hereby determined that the cost of processing applications for permits required by this Regulation, and of inspections pertaining to such processing exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totaled for each schedule. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any article, machine, equipment, or other contrivances, the use of which may cause the issuance of air contaminants, where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all such electric motors included in any such article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
up to and including 5	$ 10.00
greater than 5 but less than 25	15.00
greater than 25 but less than 50	25.00
50 or greater but less than 75	37.50
75 or greater but less than 100	50.00
100 or greater but less than 150	62.50
150 or greater but less than 200	75.00
200 or greater but less than 400	100.00
400 or greater but less than 800	150.00
800 or greater but less than 1600	200.00
1600 or greater	250.00 + 5¢ a Hp. above 1600

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants, in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

1000 British Thermal Units per hour	Fee
up to and including 150	$ 10.00
greater than 150 but less than 500	15.00
500 or greater but less than 1,500	25.00
1,500 or greater but less than 5,000	50.00
5,000 or greater but less than 15,000	75.00
15,000 or greater but less than 50,000	100.00
50,000 or greater but less than 150,000	150.00
150,000 or greater but less than 500,000	200.00
500,000 or greater	250.00 + 5¢
	for each additional 1,000 BTU

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
up to and including 45	$ 10.00
greater than 45 but less than 145	15.00
145 or greater but less than 450	25.00
450 or greater but less than 1,450	50.00
1.450 or greater but less than 4,500	75.00
4,500 or greater but less than 14,500	100.00
14,500 or greater but less than 45,000	150.00
45,000 or greater but less than 145,000	200.00
145,000 or greater	250.00 + 5¢
	for each additional 1,000 KVA

SCHEDULE 4

INCINERATOR SCHEDULE

Any article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants, which is primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area in Square Feet	Fee
up to and including 3	$ 7.50
greater than 3 but less than 6	10.00
6 or greater but less than 9	15.00
9 or greater but less than 16	25.00
16 or greater but less than 27	35.00
27 or greater but less than 47	50.00
47 or greater but less than 90	75.00
90 or greater but less than 200	100.00
200 or greater	125.00 + 5¢ for each additional square foot

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container the use of which may cause the issuance of air contaminants, shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

Gallons	Fee
up to and including 4,000	$ 15.00
greater than 4,000 but less than 40,000	25.00
40,000 or greater but less than 400,000	50.00
400,000 or greater but less than 4,000,000	65.00
4,000,000 or greater	75.00 + 2.5¢ for each additional 10,000 gallons

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance the use of which may cause the issuance of air contaminants which is not included in the preceding schedules shall be assessed a permit fee of $20.00.

SCHEDULE 7

SALE OR RENTAL SCHEDULE

The fee for filing an application for a permit to sell or rent any article, machine, equipment, or other contrivance for which a permit to operate is in force is $20.00.

(16.0) RULE 5.3 HEARING BOARD FEES

a. Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of Twenty-five Dollars ($25.00).

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(9.0) RULE 5.4 ANALYSIS FEES

a. Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of air contaminants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified professional engineer registered in the State or other qualified person.

b. If the report upon the samples and analysis discloses a violation of Chapter 2, Division 20 or Chapter 10, Part 1, Division 26 of the Health and Safety Code or these Rules and Regulations, the Air Pollution Control Officer shall make an order charging costs against the owner or operator of premises from which samples have been ordered collected. Such order shall be for the amount of the reasonable cost actually incurred for time required to collect samples, make analysis and prepare reports but excluding time required to and from the premises.

(13.0) RULE 5.5 TECHNICAL REPORT CHARGES

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents.

REGULATION VI

PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 6.1 APPLICABLE ARTICLES OF THE HEALTH AND SAFETY CODE

The provisions of Article 4 and Article 6, Chapter 2, Division 20 of the State of California Health and Safety Code, entitled Rules and Regulations, Variances and Procedure are applicable to all hearings before the Hearing Board of the Yolo-Solano County Air Pollution Control District.

(2.0) RULE 6.2 GENERAL

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) RULE 6.3 FILING PETITIONS

Request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and the payment to said Clerk of the filing fee required by these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer, and one copy of the holder of the permit or variance, if any, involved. Service may be made by mail, and service may be proved by written acknowledgement of the person served.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) RULE 6.4 CONTENTS OF PETITION

Every petition shall state:

a. The name, address, and telephone number of the petitioner, or other person authorized to receive service of the notices;

b. Whether the petitioner is an individual, co-partnership, corporation, or other entity, and names and addresses of partners, if a co-partnership, names and addresses of the persons in control, if other entity;

c. The type of business or activity involved in the application and the street address or location at which it is conducted;

d. A brief description of the article, machine, equipment or other contrivance, if any involved in the application;

e. Whether the petitioner desires a hearing;

1. To determine whether a permit should be revoked, or suspended permit should be reinstated under Section 24274, Health and Safety Code,

2. For a variance under provisions of Section 24292, Health and Safety Code;

3. To revoke or modify a variance under provisions of Section 39298, Health and Safety Code;

4. To review the denial or conditional granting of an authorization to construct, permit to operate or permit to sell or rent under Rules 3.5 and 3.6 of these Rules and Regulations.

f. Each petition shall be signed by the petitioner, or some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

g. Petitions for revocation of permits shall allege, in addition, the Section or Rule under which the permit was granted and the Section or Rule which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

h. Petitions for reinstatement of suspended permits shall allege, in addition, the Section or Rule under which the permit was granted; the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; and whether such information is believed to be pertinent, and, if so, when it will be furnished.

i. All petitions shall be typewritten, double spaced, on legal or letter size paper, one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 6.5 PETITION FOR VARIANCES

In addition to the matters required by Rule 6.4, petition for variance shall state briefly:

a. The Section, Rule or Order complained of:

b. The facts showing by compliance with the Section, Rule or Order is unreasonable;

c. For what period of time the variance is sought and why;

d. The damage or harm resulting, or which would result, to the petitioners from a compliance with such Section, Rule or Order;

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirement;

f. The advantages and disadvantages to the residents of the District resulting from granting a variance;

g. Whether or not operations under such variance, if granted, would constitute a nuisance;

h. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i. Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) RULE 6.6 APPEAL FROM DENIAL

A petition to review a denial or conditional approval of an authorization to construct, permit to operate, or permit to sell or rent shall, in addition to the matters required by Rule 6.4 set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for the appeal.

(2.0) RULE 6.7 FAILURE TO COMPLY WITH RULES

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions, unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman of any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 6.8 ANSWERS

Any person may file an answer within 10 days after service. All persons answering shall be served in the same manner as petitioners under provisions of Rule 6.3.

(2.0) RULE 6.9 DISMISSAL OF PETITION

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 6.10 PLACE OF HEARING

All hearings shall be held at the chambers of the Board of Supervisors of the County of Yolo, Courthouse, Woodland, California, unless some other place is designated by the Hearing Board.

(16.0) RULE 6.11 NOTICE OF HEARING

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit of variance involved, if any, and to any person entitled to notice under provisions of Sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) RULE 6.12 EVIDENCE

a. Oral evidence shall be taken only on oath of affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examing opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 6.13 PRELIMINARY MATTERS

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments, and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) RULE 6.14 OFFICIAL NOTICE

The Hearing Board may take official notice of any matter which may be judicially noticed by the Courts of this State.

(2.0) RULE 6.15 CONTINUANCES

The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 6.16 DECISIONS

The decision shall be in writing, served and filed within fifteen (15) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) RULE 6.17 EFFECTIVE DATE OF DECISION

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Rule 6.16, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 6.18 LACK OF PERMIT

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board, after a denial of a permit to operate and a petition for a variance, may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board, after a denial of a permit to operate by the Air Pollution Control Officer, may include a permit to operate for the duration of the variance